

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BOVIS LEND LEASE INC.,

Plaintiff,

v.

MBH ARCHITECTS INC.,

Defendant.

No. C 07-05262 JSW

**ORDER SETTING BRIEFING
SCHEDULE ON MOTION IN
LIMINE NO 5**

On March 20, 2009, four days after the parties' pretrial filings were due, Defendant MBH Architects, Inc. filed its Motion in Limine No. 5 to Exclude Testimony of Richard Avelar's undisclosed opinions. Based on the Court's review of this motion, it appears that it was filed after the deadline because Mr. Avelar was deposed as recently as March 18, 2009.

The Court notes for the record that, pursuant to its Case Management Order issued on January 29, 2008, the date set for close of *all* discovery was December 15, 2008. The parties did not seek an extension of that deadline from this Court, although they noted that they expected to complete expert depositions by no later than February 27, 2009, in their status report dated January 8, 2009. *See* Standing Order ¶ 3.

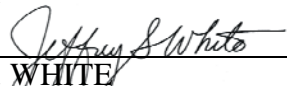
Because both parties appear to have conducted expert discovery outside the deadline set by this Court, the Court shall set a briefing schedule on the motion in limine. Accordingly, it is **HEREBY ORDERED** that Bovis' opposition to the motion shall be due by no later than 12:00

1 p.m. on Wednesday, March 25, 2009.

2 It is FURTHER ORDERED that the Court shall not entertain any further pretrial filings
3 absent an order of the Court.

4 **IT IS SO ORDERED.**

5
6 Dated: March 23, 2009



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE